## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF TEXAS

## TYLER DIVISION

DERWIN KEITH DOUGLAS, #314107 §

VS. § CIVIL ACTION NO. 6:20cv139

DIRECTOR, TDCJ-CID §

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Derwin Douglas, a prisoner confined within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se*, filed this petition for a writ of habeas corpus. The petition was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On July 22, 2020, Judge Mitchell issued a Report (Docket No. 6) recommending that Petitioner's case be dismissed without prejudice for Petitioner's failure to comply with an order of the Court. A copy of this Report was sent to Petitioner at the address he provided. However, to date, no objections to the Report have been filed.

Because objections to Judge Mitchell's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that the above-styled habeas corpus action is **DISMISSED** without prejudice for Plaintiff's failure to comply with an order of the Court. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

So ORDERED and SIGNED this 31st day of August, 2020.

JEREMY D KERNODLE

UNITED STATES DISTRICT JUDGE